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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 CHARLES M. MCCARTHY JR,)

13 Plaintiffs,)

14 v.)

15 JO ANNE B. BARNHART,
Commissioner of Social Security,)

16 Defendant.)

17
18 CHARLES M. MCCARTHY JR,)

19 Plaintiff,)

20 v.)

21 SHIRLEY S. CHATER,
Commissioner of Social Security,)

22 Defendant,)
23

CIVIL NO. 05-04834 MHP

NOTICE OF NON-OPPOSITION TO
RELATING CASES AND REQUEST
TO VACATE STATUS CONFERENCE;
[PROPOSED] ORDER

CIVIL NO. 97-00272 BZ

Hearing: June 19, 2006
Time: 4:00 p.m.

24 1. Pursuant to the Court's May 11, 2006 Order in Case No. 05-04834 MHP and Civil Local Rule
25 3-12, Defendant hereby notifies the Court that the Defendant is not opposed to the above-captioned actions
26 being related for the following reasons:

27 a. Both of the above-captioned cases involve the same Plaintiff and apparently the same issue.

28 b. Because the factual and legal issues presented by this case are based upon the same or very

1 similar facts, it is likely that there would be a duplication of labor if heard by different Judges. Assignment
2 to a single Judge would conserve judicial resources and promote an efficient determination of the action.

3 2. Because there has been a Procedural Order For Social Security Review Actions (which suggest
4 that Social Security Appeals proceed in court without oral argument) issued in both cases, Defendant
5 requests that the status conference scheduled for Monday, June 19, 2006 at 4:00 p.m. before Magistrate
6 Judge Zimmerman be vacated and the matter regarding whether the cases are related be submitted without
7 oral argument.

8 3. Defendant has tried to contact Plaintiff's counsel by telephone and e-mail to determine Plaintiff's
9 position on these issues. There has been no response.

10 Respectfully submitted,

11 KEVIN V. RYAN
12 United States Attorney

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15 Dated: May 26, 2006

16 By: /s/
17 SARA WINSLOW
18 Assistant United States Attorney

19 ~~[PROPOSED] ORDER~~

20 ~~The status conference scheduled for June 19, 2006 at 4.00 p.m. is hereby vacated.~~

21 ~~IT IS SO ORDERED.~~

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23 Dated: June 8, 2006

